IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WA.No. 604 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.4370/2007
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APPELLANTS: RESPONDENTS NO.3 & 4
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1. SIVARAJAN G.
S/O.LATE GOPALAN, KURUPPANPURA, CHENGANIYOORKAVU,
MATHOOR AGRAHARAM P.O., ALATHUR TALUK,
PALAKKAD DISTRICT.

2. ABDULKHADER P.V.,
S/O.LATE VAVA RAVUTHUR, PUTHANKULAM,
CHENGANIYOORKAVU, MATHOOR AGRAHARAM P.O.,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.M.N.SAJEER

RESPONDENTS: PETITIONERS & RESPONDENTS 1 & 2 & ADDL.RESPONDENTS 5 TO 17.
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1. THE PRESIDENT, MATHOOR GRAMA PANCHAYATH
MATHOOR, PALAKKAD DIST.

2. THE SECRETARY, MATHOOR GRAMA PANCHAYATH
MATHOOR, PALAKKAD DIST.

3. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVT.LOCAL SELF GOVERNMENT
DEPARTMENT, GOVT.SECRETARIAT, TRIVANDRUM.

4. THE OMBUDSMAN
FOR LOCAL SELF GOVT.INSTITUTIONS, KUNNUKUZHI,
VANCHIYOOR P.O., THIRUVANANTHAPURAM - 37.

5. VISHALAKSHI, W/O.MUTHU, KOLLADU, MATHOOR
MATHOOR AGRAHARAM P.O., MATHUR TALUK,
PALAKKAD, ALATHUR TALUK, PALAKKAD.

6. PARU, W/O.MAYANDI, KURUPATHUKALAM, MATHOOR, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

7. KANNU, W/O.KITTU PARAYAKKAL, AANIKADU, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

8. VEDAVATHI, W/O.BHASKARAN, THANEERPANTHAL, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

9. SUNDARI, W/O.CHAMI, AANAYAMKUNDU, MATHOOR, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

10. KRISHNAN, S/O.KUNJAVU, PULLAMKUNNI, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

11. RAJAN, S/O.APPUNNI, THANEERPANTHAL, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

12. RUGUMANI, W/O.VELAYUDHAN, AANAYAMKUNDU, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

13. SUBRAMANIAN, S/O.CHAMI, VATTAPARAMBU, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

14. RAMAN, S/O.MOMMAKODU MATHOOR, MATHOOR AGRAHARAM, P.O. ALATHUR TALUK, PALAKKAD.

15. SOUMYA, W/O.RADHAKRISHNAN, NELLAYEPARAMBA, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

16. KOMALAM, W/O.LATE GANGADHARAN, KALAPPAKADU, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

17. KUNJI W/O.MUNIYAN, KOLLADU VEEDU, MATHOOR, MATHOOR AGRAHARAM P.O., ALATHUR TALUK, PALAKKAD.

BY GOVERNMENT PLEADER SMT. K. MEERA.
S.C. SRI. O.V. MANIPRASAD FOR MATHOOR GRAMA PANCHAYATH.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08/03/2007 ALONG WITH W.P.C.4370/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 604 OF 2007

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W.P.C. 4370 OF 2007

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Dated this the 8th day of March, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

When this matter came up for admission with the consent of the parties we called for W.P.C.4370/07 as well for disposal. Heard both sides. The writ petition was preferred by the President of Mathoor Grama Panchayat along with Secretary of Mathoor Grama Panchayat challenging Exts.P5, P6 and P7 orders passed by the Ombudsman and also for a declaration that Ext.P5 complaint was not maintainable before the Ombudsman. We are of the view that the Panchayat ought to have represented the matter before the Ombudsman rather than approaching this Court. Learned counsel for the Panchayat also submits that the Ombudsman has no jurisdiction to entertain the complaint which is also a matter which the Panchayat can bring to the notice of the Ombudsman. Instead of availing the alternate remedies the appellants have rushed to this Court by way of filing the writ petition and appeal. Therefore, we are disposing both the writ

petition and the writ appeal making it clear that it is open to the Panchayat to approach the Ombudsman for the purpose of taking a final decision in the matter. The interim order passed by the learned Single Judge is set aside and the appeal and the writ petition are disposed of as above. We are sure that the Ombudsman would dispose of the matter at the earliest.

K.S. RADHAKRISHNAN,
ACTING CHIEF JUSTICE.

M.N. KRISHNAN, JUDGE.

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